

CALIFORNIA LEGISLATURE  
2017–18 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED FORTY-NINTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, February 12, 2018

The Senate met at 2:14 p.m.

Hon. Mike McGuire, of the 2nd District, presiding.

Secretary Daniel Alvarez at the Desk.

Assistant Secretary Zachary L. Twilla reading.

### **PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL**

The roll was called and the following Senators answered to their names:

Allen, Anderson, Atkins, Bates, Beall, Berryhill, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk—38.

Quorum present.

*(NOTE: Senators Hertzberg and Mendoza will be excused this day on personal business.)*



**PRAYER**

Prayer was offered by the Chaplain, Sister Michelle Gorman, RSM:

So this is the Year of the Dog. I'd like to revisit a prayer from a few months ago:

If you can be cheerful, ignoring aches and pains,

If you can understand when your loved ones are too busy to give you any time,

If you can resist treating a rich friend better than a poor friend,

If you can honestly say that deep in your heart you have no prejudice against creed, color, gender, or politics,—then, you have almost reached the same level of spiritual development as your dog!

*Dear God*, we ask You for the grace to treat others with the same unconditional love with which our dog treats us, and we thank You for Your unconditional love for us at all times.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Beall led the Senate in the Pledge of Allegiance to the Flag.

**PRIVILEGES OF THE FLOOR****SPECIAL RECOGNITIONS**

Senator Gaines presented a member's resolution to Folsom High School Bulldogs football team, in recognition of their California Interscholastic Federation, Division 1-AA State Football Championship.

**SPECIAL INTRODUCTIONS**

Senator Monning introduced Jeffrey Armstrong, President of California Polytechnic State University, and student leaders, in honor of their visit to the California State Senate.

**SPECIAL RECOGNITIONS**

Senator Skinner presented a member's resolution to McClymonds High School football team, in recognition of their California Interscholastic Federation, Division 5-AA State Football Championship.

**SPECIAL INTRODUCTIONS**

Senator Wiener introduced Christina Parker and participants of California Youth Connection, in honor of their visit to the California State Senate.



**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol

February 12, 2018

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments and reappointments are subject to Senate confirmation and consent. I hereby nominate these appointees and reappointees to you and request your confirmation and consent.

Sincerely,

EDMUND G. BROWN JR., Governor

KAREN L. DOUGLAS, has been reappointed to the California Energy Commission, where she has served since 2008. Douglas was director of the California Climate Initiative for the Environmental Defense Fund from 2005 to 2008. She held several positions at the Planning and Conservation League from 2001 to 2005, including acting executive director and general counsel. Douglas earned a Juris Doctor degree from Stanford Law School and a Master of Public Policy degree in environmental policy from the University of Colorado, Boulder. Reappointed 01/31/2018. Effective 02/05/2018.

Member, California Energy Commission, vice, self, reappointed. Term ending 01/06/2023.

DAVID B. LONG, has been appointed to the Board of Parole Hearings. Long has been vice president of prison engagement at Defy Ventures since 2017. He was warden at California City Correctional Facility from 2014 to 2016, and held several positions at Ironwood State Prison from 2008 to 2014 and 1995 to 2002, including warden, chief deputy warden, and correctional counselor. Long was associate warden at Mule Creek State Prison from 2006 to 2008, facility captain at the Adelanto Community Correctional Facilities Complex from 2002 to 2006, and a correctional officer at Chuckawalla Valley State Prison from 1989 to 1995. Appointed 01/17/2018. Effective 01/29/2018.

Commissioner, Board of Parole Hearings, vice, Troy Taira, resigned 01/16/2018. Term ending 07/01/2018.



TODD TROTTER, has been reappointed to the California Veterans Board, where he has served since 2015. Trotter has been national executive director for employee relations at Kaiser Permanente since 2016, where he has held several positions since 2002, including national senior director, human resources leader, Northern California director of labor relations, and human resource business partner. He served as a letter carrier and labor relations representative at the U.S. Postal Service from 1992 to 2002 and served in the U.S. Army from 1983 to 1991. Trotter earned a Juris Doctor degree from the University of the Pacific, McGeorge School of Law. Reappointed 01/16/2018. Effective 02/07/2018.

Member, California Veterans Board, vice, self, reappointed. Term ending 01/15/2022.

Above appointments and reappointments referred to the Committee on Rules.

#### **MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, February 8, 2018

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

AJR 29

E. DOTSON WILSON, Chief Clerk of the Assembly

#### **FIRST READING OF ASSEMBLY MEASURES**

The following measure was read and referred to the Committee on Rules:

**Assembly Joint Resolution 29**—Relative to new Outer Continental Shelf oil and gas operations in federal waters offshore California.

#### **MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, February 12, 2018

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 1270

E. DOTSON WILSON, Chief Clerk of the Assembly

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Rules**

Senate Chamber, February 12, 2018

Mr. President: The Committee on Rules has examined:

SCR 94

SCR 95

And reports the same correctly engrossed.

DE LEÓN, Chair



**MOTIONS, RESOLUTIONS AND NOTICES****UNANIMOUS CONSENT TO SUSPEND JOINT RULE 62(a)**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Rules to meet Friday, February 16, 2018 without four days' notice in the Daily File.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time, and transmitted to the Committee on Rules for assignment:

**Senate Bill 1050:** By Senator Lara—An act to amend Section 4900 of the Penal Code, relating to criminal procedure.

**Senate Bill 1051:** By Senator Dodd—An act to amend Section 19821 of the Business and Professions Code, relating to gambling.

**Senate Bill 1052:** By Senator Bates—An act to amend Section 21084.1 of the Public Resources Code, relating to environmental quality.

**Senate Bill 1053:** By Senator Beall (Coauthors: Senators Lara, Leyva, and Wieckowski) (Coauthor: Assembly Member Kalra)—An act to amend Section 935 of the Government Code, relating to government claims.

**Senate Bill 1054:** By Senator Hertzberg—An act to add Section 25359.21 to the Health and Safety Code, relating to hazardous materials.

**Senate Bill 1055:** By Senator Newman—An act to add Sections 1415 and 14870 to the Financial Code, relating to financial institutions.

**Senate Bill 1056:** By Senator Beall (Coauthors: Senators Hertzberg, McGuire, Newman, Portantino, and Wieckowski)—An act to add Section 214.18 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 1057:** By Senator Mendoza—An act to amend Section 201 of the Public Utilities Code, relating to the Public Utilities Act.

**Senate Bill 1058:** By Senator Mendoza—An act to amend Section 1250 of the Health and Safety Code, relating to health facilities.

**Senate Bill 1059:** By Senator Mendoza—An act to amend Section 1473 of the Penal Code, relating to criminal proceedings.

**Senate Bill 1060:** By Senator Mendoza—An act to add Section 20831.3 to the Government Code, relating to retirement.

**Senate Bill 1061:** By Senator Mendoza—An act to add Section 22950.3 to the Education Code, relating to retirement.

**Senate Bill 1062:** By Senator Mendoza—An act to add Section 22950.3 to the Education Code, and to add Section 20831.3 to the Government Code, relating to retirement.



**Senate Bill 1063:** By Senator Mendoza—An act to amend Section 8546.1 of the Government Code, relating to the California State Auditor.

**Senate Bill 1064:** By Senator Mendoza—An act to amend Section 501 of the Public Resources Code, relating to state parks.

**Senate Bill 1065:** By Senator Mendoza—An act to amend Section 33000 of the Education Code, relating to the State Board of Education.

**Senate Bill 1066:** By Senator Mendoza—An act to amend Section 66000 of the Education Code, relating to postsecondary education.

**Senate Bill 1067:** By Senator Mendoza—An act to amend Section 1500 of the Vehicle Code, relating to vehicles.

**Senate Bill 1068:** By Senator Mendoza—An act to amend Section 28160 of the Vehicle Code, relating to schoolbus safety, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 1069:** By Senator Mendoza—An act to amend Section 3200 of the Labor Code, relating to workers' compensation.

**Senate Bill 1070:** By Senator Mendoza—An act to amend Section 23005 of the Government Code, relating to counties.

**Senate Bill 1071:** By Senator Newman—An act to repeal Section 66025.7 of the Education Code, relating to public postsecondary education.

**Senate Bill 1072:** By Senator Leyva—An act to add Part 3.6 (commencing with Section 71130) to Division 34 of the Public Resources Code, relating to climate change.

**Senate Bill 1073:** By Senator Dodd—An act to amend Section 8000 of the Water Code, relating to flood control.

**Senate Bill 1074:** By Senator Moorlach—An act to amend Section 13651 of, and to add Section 13654 to, the Business and Professions Code, and to add Chapter 4.7 (commencing with Section 25370) to Division 15 of the Public Resources Code, relating to vehicular fuel.

**Senate Bill 1075:** By Senator Wieckowski—An act to amend Section 703.090 of the Code of Civil Procedure, relating to civil actions.

**Senate Bill 1076:** By Senator Hertzberg—An act to amend Section 32000 of the Vehicle Code, relating to vehicles.

**Senate Bill 1077:** By Senator Wilk—An act to repeal Sections 2782.95 and 2782.96 of, and to repeal and add Section 2782.9 of, the Civil Code, relating to construction contracts.



**Senate Bill 1078:** By the Committee on Transportation and Housing (Senators Beall (Chair), Allen, Cannella, Dodd, Gaines, McGuire, Mendoza, Morrell, Roth, Skinner, Vidak, Wieckowski, and Wiener)—An act to amend Sections 53398.52 and 65584.01 of the Government Code, and to amend Sections 51005 and 115927 of the Health and Safety Code, relating to housing.

**Senate Bill 1079:** By Senator Monning—An act to amend Section 4584 of the Public Resources Code, relating to forestry.

**Senate Bill 1080:** By Senator Newman—An act to add Section 5445.3 to the Public Utilities Code, relating to transportation.

**Senate Bill 1081:** By Senator Mendoza—An act to amend Section 4000 of the Elections Code, relating to elections.

**Senate Bill 1082:** By Senator Bradford—An act to repeal and add Section 19132.5 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 1083:** By Senator Mitchell (Principal coauthor: Assembly Member Rubio)—An act to amend Sections 1517 and 1517.1 of the Health and Safety Code, and to amend Sections 358.1, 360, 361.3, 366.1, 11363, 16507.5, and 16519.5 of the Welfare and Institutions Code, relating to child welfare.

**Senate Bill 1084:** By Senator Berryhill—An act to amend Section 23232 of the Government Code, relating to local government.

**Senate Bill 1085:** By Senator Skinner—An act to amend Section 3503 of the Government Code, relating to public employment.

**Senate Bill 1086:** By Senator Atkins (Coauthors: Senators Cannella, Dodd, Jackson, and Newman) (Coauthors: Assembly Members Aguiar-Curry, Bloom, Bonta, Cunningham, Flora, and Limón)—An act to amend Section 5406.7 of the Labor Code, relating to workers' compensation.

**Senate Bill 1087:** By Senator Roth—An act to amend Sections 22105, 22680, 22681, 22682, 22684, 22685, 22686, 22687, 22688, 22689, 22690, 22693, 22694, 22716 of, and to add Section 22690.5 to, the Financial Code, relating to the Property Assessed Clean Energy program.

**Senate Bill 1088:** By Senator Dodd—An act to add Section 768.7 to the Public Utilities Code, relating to energy.

**Senate Bill 1089:** By Senator Jackson—An act to amend Section 6380 of the Family Code, relating to restraining orders.

**Senate Bill 1090:** By Senator Monning (Principal coauthor: Assembly Member Cunningham)—An act to add Section 713 to the Public Utilities Code, relating to electricity.



**CONSIDERATION OF DAILY FILE  
UNFINISHED BUSINESS**

**Consideration of Governor's Appointments**

Senator De León placed the following Governor's appointments before the Senate:

LISA J. CISNEROS, Member, Fair Employment and Housing Council.

JOSEPH T. ORTIZ, Member, Fair Employment and Housing Council.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator De León moved a call of the Senate.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)**

**Consideration of Governor's Appointments**

Senator De León placed the following Governor's appointment before the Senate:

FRANCISCO C. RODRIGUEZ, JR., PH.D., Member, Western Interstate Commission for Higher Education.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator De León moved a call of the Senate.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS**

**Senate Resolution 74**—Relative to net neutrality.

Resolution read third time and presented by Senator De León.

**Roll Call**

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator De León moved a call of the Senate.

Motion carried.





**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Concurrent Resolution 94**—Relative to Teen Dating Violence Awareness and Prevention Month.

Resolution read third time and presented by Senator Leyva.

**Roll Call**

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Leyva moved a call of the Senate.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Concurrent Resolution 95**—Relative to court reporters.

Resolution read third time and presented by Senator Jackson.

**Roll Call**

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Jackson moved a call of the Senate.

Motion carried.

**PRIVILEGES OF THE FLOOR**  
**SPECIAL INTRODUCTIONS**

Senator Jackson introduced Carolyn Dasher, President of the California Court Reporters Association, Brooke Ryan, Legislative Chair of the California Court Reporters Association, and Karly Powers, Board Member of the California Court Reporters Association, in honor of their visit to the California State Senate.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Resolution 80**—Relative to Earned Income Tax Credit Awareness Week.

Resolution read third time and presented by Senator Atkins.

**Roll Call**

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Atkins moved a call of the Senate.

Motion carried.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (GOVERNOR'S APPOINTMENTS)**

On motion of Senator De León, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and the appointments of Lisa J. Cisneros and Joseph T. Ortiz were confirmed by the following vote:

AYES (37)—Senators Allen, Anderson, Atkins, Bates, Beall, Berryhill, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, and Wiener.

NOES (0)—None.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (GOVERNOR'S APPOINTMENTS)**

On motion of Senator De León, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and the appointment of Francisco C. Rodriguez, Jr., Ph.D. was confirmed by the following vote:

AYES (38)—Senators Allen, Anderson, Atkins, Bates, Beall, Berryhill, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SR 74)**

On motion of Senator De León, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SR 74 was adopted by the following vote:

AYES (25)—Senators Allen, Atkins, Beall, Bradford, De León, Dodd, Galgiani, Glazer, Hernandez, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Newman, Pan, Portantino, Roth, Skinner, Stern, Wieckowski, and Wiener.

NOES (8)—Senators Anderson, Fuller, Gaines, Moorlach, Morrell, Nielsen, Stone, and Vidak.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SCR 94)**

On motion of Senator Leyva, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SCR 94 was adopted by the following vote:

AYES (38)—Senators Allen, Anderson, Atkins, Bates, Beall, Berryhill, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Above resolution ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SCR 95)**

On motion of Senator Jackson, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SCR 95 was adopted by the following vote:

AYES (38)—Senators Allen, Anderson, Atkins, Bates, Beall, Berryhill, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Above resolution ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SR 80)**

On motion of Senator Atkins, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SR 80 was adopted by the following vote:

AYES (37)—Senators Allen, Anderson, Atkins, Bates, Beall, Berryhill, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.



**LEAVES OF ABSENCE**

The following Senators were granted leaves of absence for the day on personal business: Senators Hertzberg and Mendoza.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 3:16 p.m., on motion of Senator De León, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator De León moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, February 13, 2018.

Motion carried.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES (RESUMED)**

The following measure was introduced, read the first time, and transmitted to the Committee on Rules for assignment:

**Senate Bill 1091:** By Senator Stone (Coauthor: Senator Anderson)—An act to amend Section 69 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

The following measures were offered and referred to the Committee on Rules:

**Senate Concurrent Resolution 100:** By Senator Lara—Relative to the Safe Drinking Water and Toxic Enforcement Act of 1986.

**Senate Concurrent Resolution 101:** By Senator Newman—Relative to Purple Heart Day.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Berryhill requested that when the Senate adjourns this day it do so in memory of Debbie McCarty of Fresno.

Senator Jackson requested that when the Senate adjourns this day it do so in memory of Allan Ghitterman of Santa Barbara.

Senator Moorlach requested that when the Senate adjourns this day it do so in memory of Robert L. Stotts of Orange.

Senator Vidak requested that when the Senate adjourns this day it do so in memory of Don Laux of Porterville.

Senator Wilk requested that when the Senate adjourns this day it do so in memory of Frank S. Kuric of Santa Clarita.



**ADJOURNMENT**

At 3:30 p.m., on motion of Senator De León, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, February 13, 2018.

NEVA MARIE PARKER, Minute Clerk

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